

Albert L. Brinkman #133444  
Arizona State Prison Complex  
Tucson-Manzanita Unit 5-B-34  
P.O. Box 24401  
Tucson, AZ. 85734-4401  
Plaintiff-Pro Se

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JAN - 5 2009	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

ALBERT L. BRINKMAN,  
Plaintiff,

v.

DORA B. SCHIRO, et al.,  
Defendants.

No. CV08-670-TUC-CKJ

MOTION TO  
RECUSE JUDGE

Comes now, the Plaintiff, Albert Brinkman,  
Pro Se, and moves this Court for Recusal  
of a District Court Judge.

In support thereof, Plaintiff states as  
follows:

1. That Judge Cindy K. Jorgenson was  
assigned to a civil rights action in  
this Court in Brinkman v. Schiro, et al.,  
CV06-512-TUC-CKJ in August 2006.

2. That said Judge Cindy K. Jorgenson is a named Defendant in this action (See List of Defendants, Pages 2d-2e, and Count I of Complaint), for acts of specified misconduct, malfeasance, misfeasance and nonfeasance, during and throughout the litigation in that case, during the time period of 2006 through 2008.

3. That the Complaint in this case, with the specified wrongful actions and omissions therein, was filed as an amended/supplemental complaint, with a concurrently-filed Notice of Change of Judge alleging that Judge Jorgenson, as a named Defendant and due to the acts of misconduct stated therein, could not review or rule on that Amended/Supplemental Complaint and it required another, unbiased judge to be appointed for the proceedings.

4. That despite Plaintiff's notice and the serious, substantial claims raised

that allege misconduct in the case, bias, prejudice, conflict of interest, discrimination, unequal treatment, violations of law and higher-court authority, and actions that present an appearance of impropriety and are egregious enough to bring the District Court of Tucson into disrepute; Judge Cindy K. Jorgenson refused to recuse and remove herself from the case, reviewed the Complaint in which she was/is a Defendant and dismissed herself from having to answer the charges and civil rights violations therein.

5. That following the above, further acts of misconduct and this judge's tenacious refusal to allow an outside, objective and unbiased judge to see and review the allegations, the Plaintiff revised the complaint and filed it to the Phoenix District Court as a new action, believing that a different judge would be assigned to review and order Defendants to be served and to answer.

6. However, the Clerk of the Phoenix Court, which had jurisdiction over the subject matter, the parties to the action, and had proper venue as the violations began in, continued in and occurred mostly in the Phoenix area; not to mention that the majority of Defendants named live and work (Lewis prison and the A.D.O.C. Central Office and Attorney General's Office) in the Phoenix venue; sent the Complaint to the Tucson Court, where it promptly wound-up being assigned, again, to Judge Jorgenson. See Exhibit A hereto, Notice of Assignment.

7. Wherefore, Plaintiff moves the Honorable Presiding Judge of this Court to correct this miscarriage, to immediately remove Judge Cindy K. Jorgenson from all proceedings in this case and any action involving the Plaintiff, to order a Change of Venue to the Phoenix District Court

for review of the Complaint and for subsequent orders, forthwith.

Respectfully Submitted this 2<sup>nd</sup> day  
of JAN., 2009.



Albert L. Brinkman  
Plaintiff - Pro Se

Copies of the foregoing mailed this 2<sup>nd</sup>  
day of JAN., 2009, to:

Presiding Judge, U.S. District Court  
Evo A. DeConcini U.S. Courthouse  
405 West Congress St.  
Tucson, AZ. 85701-5010

Presiding Judge, U.S. District Court  
Sandra Day O'Connor U.S. Courthouse  
401 West Washington St., SPC1  
Phoenix, AZ. 85003-2119

Honorable Cindy K. Jorgenson  
405 West Congress, Suite 1500  
Tucson, AZ. 85701-5010

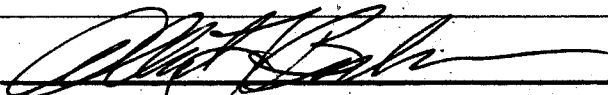
cont...

Mailing cert. cont.

Terry Goddard, Attorney General  
Office of the AZ. Attorney General  
1275 West Washington St.  
Phoenix, AZ. 85007-2997

Wanda E. Hofmann, Assistant Attorney General  
Office of the AZ. Attorney General - Tucson  
177 North Church Ave., Suite 1105  
Tucson, AZ. 85701-1114

By:



Albert L. Brinkman

Plaintiff - Pro Se

EXHIBIT A

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA  
Tucson**

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CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY	DEPUTY

Albert L Brinkman

Plaintiff,

v.

Dora B. Schriro, et al.

Defendant.

Case No.: 4:08-cv-00670-CKJ-PSOT  
NOTICE OF ASSIGNMENT

**NOTICE OF ASSIGNMENT**

On 12/23/08 , Plaintiff filed a pro se Complaint which has been assigned the case number listed above. This case has been assigned to District Court Judge Cindy K Jorgenson and the Court's Legal Staff. When any action is taken in this case, you will be notified by Court order.

Richard H. Weare

District Court Executive/Clerk

cc: Plaintiff

**WARNING!**

Failure to comply with the following rules will result in your document being STRUCK and/or your case being DISMISSED:

- (1) You must file a Notice of Change of Address if your address changes.
- (2) You must correctly label any further documents with the above assigned caption and case number. LRCiv 7.1(a).
- (3) You must sign your name and date every document you file. FED. R. CIV. P. 11
- (4) You must provide an original and one copy of any document to be filed.(if you request a conformed copy, you must provide an original and two (2) copies). LRCiv 5.4
- (5) You must mail copies of every document you file to all respondents or their attorneys, FED. R. CIV. P. 5(a), and every document you file must include a certificate stating the date a copy of the document was mailed to respondents or their attorneys.

(2)